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FILED

MAY 26 2010

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Attorneys for Plaintiff/Creditor HERBERT K. LEE, III, an individual

**UNITED STATES BANKRUPTCY COURT, FOR THE
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

In Re:
TIMOTHY JOSEPH ROBERTSON, an individual

Case No. 09-33960
Chapter 7
Adv. No. 10-03046

Debtor,

HERBERT K. LEE, III, an individual

Plaintiff/Creditor,

vs.

TIMOTHY J. ROBERTSON, an individual, and
DOES 1-10, inclusive,

Debtor/Defendant.

**NOTICE OF APPLICATION AND
REQUEST AND APPLICATION AND
REQUEST FOR ISSUANCE OF
ALIAS SUMMONS AND
DECLARATION OF CHRISTIAN S.
MOLNAR, ESQ.**

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiff/Creditor, HERBERT K. LEE, III, hereby makes this Application and Request for the
issuance of an Alias Summons to serve on Defendant/Debtor TIMOTHY JOSEPH ROBERTSON.

This Application is based upon this Notice and the attached Declaration of Christian S. Molnar, Esq.

Dated: May 24, 2010

Law Offices of Christian S. Molnar

Christian S. Molnar

Christian S. Molnar, Attorney for
Plaintiff/Creditor HERBERT K. LEE III

DECLARATION OF CHRISTIAN S. MOLNAR

I, Christian S. Molnar, Esq., declare as follows:

1. I am attorney duly admitted to practice before all of the courts of the State of California and the United States Bankruptcy Court for the Northern District of California. I am a partner in the Law Offices of Christian S. Molnar, attorneys of record for Plaintiff/Creditor HERBERT K. LEE, III, in the above-referenced matters. I have personal knowledge of the facts set forth herein and if called as a witness to testify I could and would do so competently.

2. I make this Declaration in support of the request for issuance of an Alias Summons.

3. On March 19, 2010, Plaintiff/Creditor HERBERT K. LEE, III, filed an adversary complaint in the United States Bankruptcy Court for the Northern District of California and a summons was issued by that Court on the same day, Adv. Case No.: 10-3046.

4. Through my own inadvertence, I did not serve the adversary complaint on Defendant/Debtor TIMOTHY JOSEPH ROBERTSON within the time allotted by the applicable rules of the Court.

5. On Sunday, May 23, 2010, at 5:43 p.m., Defendant/Debtor TIMOTHY JOSEPH ROBERTSON was personally served at his home address with copies of the Summons and adversary complaint, *inter alia*.

6. Subsequently, on Monday, May 24, 2010, I was informed by Defendant/Debtor TIMOTHY JOSEPH ROBERTSON's counsel, Jeena Cho, Esq., that she would be objecting to the alleged untimely service of Defendant/Debtor TIMOTHY JOSEPH ROBERTSON based on the failure to serve the debtor within fourteen (14) days of the issuance of the summons by the bankruptcy court.

7. I am making this application and request for the Court to reissue an Alias Summons so that I may serve Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, an his counsel, according to the applicable rules of this Court.

8. Enclosed herewith is the original summons issued by the court which I am hereby surrendering.

Executed on May 25, 2010, at Pacific Palisades, California


Christian S. Molnar, Declarant